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10 **BEFORE THE DEPARTMENT OF MANAGED HEALTH CARE**  
11 **OF THE STATE OF CALIFORNIA**

12 IN THE MATTER OF:

13 **ELISA D. COOPER**

14 Respondent.  
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) DMHC No.: 05-081

) OAH No.:

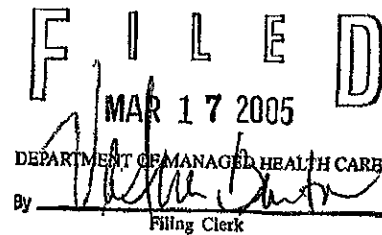
) **ORDER FOR DISCONTINUANCE OF  
INJURIOUS PRACTICES AND  
NOTICE OF RIGHT TO HEARING**

17 **TO: ELISA D. COOPER**  
18 **1819 Oregon Street**  
19 **Alameda, CA 94703**

20 The Director of the Department of Managed Health Care, by and through her  
21 designee, Assistant Deputy Director Amy L. Dobberteen, after investigation, determines as  
22 follows:

23 **PARTIES**

24 1. The Director of the Department of Managed Health Care is vested with the  
25 responsibility to administer and enforce the Knox-Keene Health Care Service Plan Act of  
26 1975, Health and Safety Code section 1340 *et seq.* ("Knox-Keene Act"). The intent and  
27 purpose of the Knox-Keene Act is to promote the delivery and quality of health and medical  
28 care to the people of California who enroll in health care service plans by, among other



things, ensuring that subscriber and enrollee private medical information is confidentially maintained. (Health and Safety Code section 1386, subdivision (b)(15).)

2. Respondent Elisa D. Cooper is a person as defined by Health and Safety Code section 1345, subdivision (j) and is therefore subject to the jurisdiction of the Department of Managed Health Care. Respondent's address of record is 1819 Oregon Street, Berkeley, California 94703.

## STATUTORY AUTHORITY

3. The Director is empowered to enforce compliance with this Act by Health and Safety Code section 1391.5, subdivision (a), which provides:

If, after examination or investigation, the director has reasonable grounds to believe that irreparable loss and injury to the plan's enrollee or enrollees occurred or may occur as a result of any act or practice unless the director acts immediately, the director may, by written order, addressed to that person, order the discontinuance of the unsafe or injurious act or practice. The order shall become effective immediately, but shall not become final except in accordance with this section.

4. A person subject to an order issued pursuant to Health and Safety Code section 1391.5 may request a hearing pursuant to Health and Safety Code section 1391.5, subdivision (b), which provides:

No order issued pursuant to this section shall become final except after notice to the affected person of the director's intention to make the order final and of the reasons for the finding. The director shall also notify that person that upon receiving a request for hearing by the plan, the matter shall be set for hearing to commence with [sic] 15 business days after receipt of the request, unless that person consents to have the hearing commence at a later date.

5. If no hearing is requested within fifteen (15) days after the mailing or service of the required notice, and the Director orders none, the order shall become final on the 15th day without a hearing and shall not be subject to review by any court or agency. (Health and Safety Code section 1391.5, subdivision (c).)

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